

**ENTERED**

September 12, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

YOLANDA MARROQUIN,

Plaintiff,

VS.

KILOLO KIJAKAZI,

Defendant.

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CIVIL ACTION NO. 7:22-CV-00297

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND GRANTING DISMISSAL**

The Court has reviewed the Magistrate Judge's Report and Recommendation regarding Plaintiff Yolanda Marroquin's action pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3) and Plaintiff's objections thereto (Dkts. No. 17, 18). The Court has conducted a *de novo* review of the record in this matter as it pertained to the specific objections raised by Plaintiff pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff objects to the Report and Recommendation on the grounds that “the ALJ’s RFC determination is unsupported by substantial evidence as he failed to properly evaluate the opinion of treating medial [sic] source Johnny Bazan, M.D.” (Dkt. No. 18, 1). The Court finds the Magistrate Judge thoroughly reviewed the ALJ’s findings and properly evaluated how Dr. Barzan’s opinion did not meet the standards for “consistency” or “supportability” as outlined in 20 C.F.R. § 404.1520(c)(1), (2). (Dkt. No. 17 at 15). Further, the Magistrate Judge correctly found there was sufficient evidence in the record to support the ALJ’s findings. (Dkt. No. 17 at 16-18). After having reviewed the said Report and Recommendation, and after appropriate review of Plaintiff's objections thereto, the Court is of the opinion that the conclusions in said Report and Recommendation should be adopted by this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the conclusions in United States Magistrate Judge Hacker's Report and Recommendation entered as Docket Entry No. 17 are hereby adopted by this Court.

FURTHER, the Court, having adopted the conclusions of the Report and Recommendation of United States Magistrate Judge Hacker, is of the opinion that all claims asserted by Plaintiff in this action should be **DISMISSED**.

The Clerk shall send a copy of this Order to the Plaintiff and counsel for Defendant.

SO ORDERED September 12, 2023, at McAllen, Texas.

A handwritten signature in black ink, reading "Randy Crane", written over a horizontal line.

Randy Crane  
Chief United States District Judge